

1 PHILLIP A. TALBERT
Acting United States Attorney
2 TANYA B. SYED
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Plaintiff
United States of America
7

8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 REGINALD THOMAS,
15 Defendant.
16

CASE NO. 2:20-CR-012-MCE

STIPULATION REGARDING CONTINUANCE OF
MOTION SCHEDULE AND EXCLUDABLE TIME
PERIODS UNDER SPEEDY TRIAL ACT; ORDER

DATE: June 10, 2021
TIME: 10:00 a.m.
COURT: Hon. Morrison C. England, Jr.

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for a motion hearing on June 10, 2021.
- 21 2. By this stipulation, defendant now moves to continue the motion hearing until July 1,
22 2021, and to further exclude time between June 10, 2021, and July 1, 2021, under Local Code T4 and
23 Local Code E, with the following schedule for the briefing of the motion:
- 24 a) Defendant's Motion Due: June 3, 2021
- 25 b) Government's Opposition Due: June 17, 2021
- 26 c) Defendant's Reply Due: June 24, 2021
- 27 3. The parties agree and stipulate, and request that the Court find the following:
- 28 a) The government has represented that the discovery associated with this case

1 includes numerous reports and related documents, photographs, audio recordings, and videos.
2 All of this discovery has been either produced directly to counsel and/or made available for
3 inspection and copying.

4 b) Upon defendant's request, new counsel for the defendant was appointed on
5 December 17, 2021. Counsel for defendant desires additional time to continue to conduct
6 investigation and research related to the charges, review discovery for this matter, to discuss
7 potential resolutions with his client, and to otherwise prepare for trial. Counsel for defendant
8 also desires additional time to research and file a pre-trial motion.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of June 10, 2021 to July 1, 2021,
18 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
19 because it results from a continuance granted by the Court at defendant's request on the basis of
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest
21 of the public and the defendant in a speedy trial.

22 g) The time period of June 10, 2021 to July 1, 2021, inclusive, is also deemed
23 excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E] because it results from a
24 continuance granted by the Court at the defendant's request to permit the defendant to file a pre-
25 trial motion, and will include a delay resulting from a pretrial motion.

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6
7 Dated: May 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney

8
9 /s/ TANYA B. SYED
TANYA B. SYED
Assistant United States Attorney


10
11
12 Dated: May 17, 2021

/s/ SHARI RUSK
SHARI RUSK
Counsel for Defendant
REGINALD THOMAS

13
14
15
16 **ORDER**

17 IT IS SO ORDERED.

18
19 Dated: May 19, 2021

20
21 
22 MORRISON C. ENGLAND, JR.
23 SENIOR UNITED STATES DISTRICT JUDGE